
From: Jonathan Stinson
Sent: Friday, January 21, 2011 5:31 PM
To: Wroe Jackson
Subject: Fw: voter ID info
Attachments: VOTE - ensuring compliance with Sup Ct.doc; VOTE - 82R TALKING POINTS.docx; VOTE - state law comparison.doc

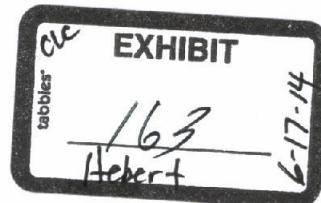
Jonathan Stinson
jonathan.stinson@senate.state.tx.us

From: Bryan Hebert
To: Jason Baxter; Janice McCoy; Jonathan Stinson
Cc: Blaine Brunson; Julia Rathgeber
Sent: Fri Jan 21 17:29:43 2011
Subject: voter ID info

Attached are several documents that may prove useful in preparing for next week's voter ID debate, including:
(1) a summary of proposed talking points
(2) a summary of the standard necessary to pass US Supreme Court scrutiny
(3) a chart of the differences between the Indiana, Georgia, and Texas laws

Obviously these documents will be supplemented by information discussed Sunday night, and I will be compiling more data tomorrow for your review.

Bryan Hebert
Deputy General Counsel
Office of the Lieutenant Governor
512-463-0001



ENSURING COMPLIANCE WITH SUPREME COURT

I. LEGITIMATE STATE INTERESTS

- Deterring and detecting fraud
- Improving and modernizing election procedures
- Protecting against fraud enabled by inaccurate registration rolls
- Counting only eligible voters' votes
- Protecting public confidence in elections

II. MEASURES REQUIRED TO OFFSET BURDENS ON VOTERS

- Access to free photo ID cards
- Availability of provisional ballots and absentee ballots
- Ensure that obtaining ID is no more inconvenient or burdensome than usual act of voting

III. MEASURES RECOMMENDED TO OFFSET BURDENS ON VOTERS

- Phase-in over two election cycles (as prescribed by Carter-Baker Report)
- Exception for certain elderly voters (to decrease size of class of voters adversely impacted by law)

TX_00262646

HIGHLY CONFIDENTIAL

TALKING POINTS (82R)

I. THE THREAT OF FRAUD IS REAL

- Deceased voters, felons, duplicate registrations, and non-residents remain on voter rolls (*2007 State Auditor report found over 49,000 of these possible ineligible voters*)
- Fraudulent registration applications are rampant (*over 6,000 applications by non-citizens rejected in Harris County from 2004-2007, 2008 ACORN and 2010 Houston Votes registration scandals made national news*)
- Texas Election Administration Management (TEAM) system is improving, but continues to have accuracy problems
- Current election system is inadequate to catch in-person voting fraud

II. THIS BILL PROTECTS TEXAS VOTERS

- Deters and detects fraud
- Improves and modernizes election procedures
- Protects against fraud enabled by inaccurate registration rolls
- Counts only eligible voters' votes
- Protects public confidence in elections

(These points are taken directly from Supreme Court opinion describing Indiana's "legitimate state interests" in adopting photo ID)

III. THIS BILL REPRESENTS AN ATTEMPT TO ENSURE THAT EVERY ELIGIBLE VOTER CAN VOTE AND THAT ONLY LEGITIMATE VOTES ARE COUNTED

- Simplified bill requires photo ID
- includes exemption for voters over 70 and a procedure for counting provisional ballots
- Similar to Indiana and Georgia laws (which were both upheld by the federal authorities)
- Requires months of statewide voter education efforts before law takes effect

TX_00262647

HIGHLY CONFIDENTIAL

	INDIANA LAW	GEORGIA LAW	TEXAS - SB 14	TEXAS - CURRENT LAW
REQUIRED I.D.	One photo ID: <ul style="list-style-type: none"> state or federal ID that includes name, photo, and expiration date (specific forms of ID not provided) 	One photo ID: <ul style="list-style-type: none"> driver's license (even if expired) state or federal photo ID local, state, or federal govt employee photo ID U.S. passport military photo ID tribal photo ID 	One photo ID: <ul style="list-style-type: none"> DPS-issued ID that has not expired military photo ID citizenship certificate with photo U.S. passport 	voter registration card - OR - sign affidavit at polls AND <ul style="list-style-type: none"> DPS-issued ID (even if expired) any photo ID with name birth certificate citizenship papers U.S. passport govt-issued mail or document other ID prescribed by Sec of State
EXCEPTIONS TO PHOTO REQUIREMENT	<ul style="list-style-type: none"> indigent religious objection voters in state-licensed care facility 	none	none	(photo ID not required)
PROVISIONAL BALLOT	If no ID, voter may cast provisional ballot and may return within 10 days with ID for ballot to be counted	If no ID, voter may cast provisional ballot and may return within 2 days with ID for ballot to be counted.	If no ID, voter may cast provisional ballot, and may return within 6 days with ID for ballot to be counted.	If no ID, voter may cast provisional ballot, and registrar must confirm eligibility within 7 days

TX_00262648

HIGHLY CONFIDENTIAL

REQUIRED VOTER EDUCATION	secretary of state conducts statewide education campaign for voters and poll workers	none	secretary of state conducts statewide education campaign for voters and poll workers	N/A
---	--	------	--	-----

(The Indiana law was upheld by the Supreme Court and the Georgia law was upheld by the DOJ)

HIGHLY CONFIDENTIAL

TX_00262649